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***Via ECFS***

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

***Re: WC Docket Nos. 16-143, 15-247, 05-25, RM-10593***

Dear Ms. Dortch:

On October 14, 2016, Joan Marsh, Frank Simone, Gary Phillips and the undersigned, all of AT&T, met with Travis Litman, Senior Legal Advisor to Commissioner Jessica Rosenworcel. We discussed AT&T's position on Chairman Wheeler's recent Fact Sheet on the Business Data Services proceeding (BDS),<sup>1</sup> and indicated that AT&T agrees that the Commission should continue to forbear from applying most Title II regulation to all packet-based BDS. However, AT&T disagrees with the other conclusions indicated by the Fact Sheet. The record does not support findings that legacy TDM services should be rate regulated in all markets; that proper calculation of an X-factor would result in an 11% price cap adjustment or 3% X-factor; or that new presumptions and heightened scrutiny on ILEC Ethernet services during the Section 208 complaint process are justified.

Pursuant to section 1.1206 of the Commission's rules, this ex parte notification is being filed electronically for inclusion in the record of the above-referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,  
/s/ Caroline Van Wie

cc: Travis Litman

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<sup>1</sup> FCC, Fact Sheet, Chairman Wheeler's Proposal To Promote Fairness, Competition, And Investment In The Business Data Services Market (Oct. 7, 2016).